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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 DAVID DARRELL SYKES,

7 Petitioner,

8 v.

9 STATE OF WASHINGTON, STEVE
10 SINCLAIR, and DONALD HOLBROOK,

11 Respondents.

No. C12-5454 RBL/KLS

ORDER DIRECTING SUBSTITUTION OF
PARTY

12 Mr. Sykes has filed a petition for writ of habeas corpus naming the State of Washington,
13 Steve Sinclair, and Donald Holbrook as Respondents. ECF No. 5. The proper respondent to a
14 habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also
15 § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d
16 244, 249 (9th Cir. 1989). According to his petition, Mr. Sykes is currently confined at the
17 Washington State Penitentiary in Walla Walla, Washington. The Superintendent of the
18 Washington State Penitentiary is Stephen D. Sinclair.

19 Accordingly, the Clerk of Court is directed to substitute Stephen D. Sinclair as the
20 Respondent in this action. The Clerk shall send copies of this Order to Petitioner and counsel
21 for Respondent.

22 **DATED** this 8th day of June, 2012.

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25 Karen L. Strombom
26 United States Magistrate Judge